

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Stern, et al.)	
)	
Application No.:	10/582,156)	Group Art Unit: 1615
)	
Filing Date:	June 8, 2006)	Examiner: Kortney L. Klinkel
)	
For:	SURFACTANT ENHANCED QUICK)	
	RELEASE PESTICIDE GRANULES)	

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

RESPONSE TO RESTRICTION REQUIREMENT MAILED AUGUST 26, 2008

This is a response to the Restriction Requirement mailed August 26, 2008.

Claims 1-16 are subject to a restriction requirement under 35 U.S.C. § 121 and § 372.

Applicants hereby elect, with traverse, for continued prosecution Group I, Claims 1-7.

Applicants identify Claims 1 and 5 as encompassing the elected invention. Claims 2-4 and 6-7 are readable on Claims 1 and 5.

Applicants argue that Ferrell (US 5750130) does not teach all elements of Applicants' claimed invention and teaches against the present invention. Ferrell teaches "pesticide compositions in which the pesticides and a carrier material are applied to a substrate, said carrier material providing improved adherence of the pesticide to the substrate and improved attrition resistance." (Col. 1, Lines 7-11). Ferrell defines the carrier materials as "being characterized by being cohesive solids at temperatures below about 50° C" (Col. 3, Lines 45-46) that "optionally contain wax soluble surfactants which modify the rate at which the pesticide is released to the environment by modifying the hydrophilicity of the carrier materials." (Col. 4, Lines 15-18).

Rather than teaching the improved adherence of the pesticide to the substrate, Applicants teach the accelerated release of the active pesticide [from the substrate] to the surrounding environment." (Application, first sentence of last paragraph of Page 2, underlining added for emphasis). Applicants' carrier materials are surfactants that have melting points below 50° C (Claim 5) rather than being cohesive solids at temperatures below about 50° C. Furthermore, Applicants' surfactants act to modify the substrate and/or pesticide as opposed to modifying the properties of the carrier materials as taught by Ferrell.

Applicants elect with traverse because simultaneous examination of the inventions does not impose an undue burden of examination on the Examiner.

If the restriction requirement is made final, Applicants reserve the right to continue prosecution of non-elected inventions in one or more continuing applications.

Applicants believe that no fee is due in connection with the filing of this document. However, should any fee be due in connection with the filing of this document, the Commissioner for Patents is hereby authorized to deduct said fee from Huntsman Corporation Deposit Account No. 08-3442.

Respectfully Submitted,

Dated: 9-26-08

BY:



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